

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JOSHUA THOMAS MILLER,  
#2120015,

Plaintiff,

V.

MARIA PONCE, et al.,

Defendants.

Case No. 6:21-cv-20-JDK-KNM

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Joshua Thomas Miller, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.


Before the Court is Plaintiff's motion for a preliminary injunction, temporary restraining order, and emergency protective order. Docket No. 6. On April 27, 2021, Judge Mitchell issued a Report and Recommendation recommending that the Court deny Plaintiff's motion for several reasons. Docket No. 22. Specifically, Judge Mitchell found that Plaintiff failed to demonstrate a substantial likelihood of success on the merits, a substantial threat of irreparable injury without an injunction, that the threatened injury outweighs the harm of an injunction, and that a temporary restraining order or preliminary injunction would not disserve the public interest. *Id.* at 2. Plaintiff timely objected. Docket No. 25.

Where a party timely objects to a Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted a de novo review of the record in this case, the Magistrate Judge's Report, and Plaintiff's objections, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **OVERRULES** Plaintiff's objections (Docket No. 25) and **ADOPTS** the Report of the Magistrate Judge (Docket No. 22) as the opinion of the District Court. Plaintiff's motion for a preliminary injunction, temporary restraining order, and emergency protective order (Docket No. 6) is **DENIED**.

**Signed this**

**Jun 11, 2021**

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE